

Message Text

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PAGE 01 LONDON 04509 181223Z
ACTION EUR-12

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FM AMEMBASSY LONDON
TO SECSTATE WASHDC 1685

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11652: EO 11652: NA
TAGS: CASC, UK
SUBJECT: PROPOSED EXPULSION FROM UK OF PHILIP AGEE
AND MARK HOSENBALL

REF: STATE 058713

1. SINCE EMBASSY'S RESPONSE TO MR. GRANT WAS TRANSMITTED, EMBASSY HAS HAD NO CONTACT WITH NOR ANY INFORMATION CONCERNING MR. AGEE.
2. MR. HOSENBALL HAD INDICATED THAT HE WOULD ATTEMPT TO APPEAL HIS DEPORTATION ORDER AND ON MARCH 17 THAT APPEAL WAS HEARD BY THE DIVISIONAL COURT AND DISMISSED. THE COURT RULED THAT THERE HAD BEEN NO BREACH OF NATURAL JUSTICE OR ANY PROCEDURAL ERROR BY MR. REES, THE HOME SECRETARY, THAT WOULD JUSTIFY THE COURT'S SETTING ASIDE THE DEPORTATION ORDER.
3. MR. HOSENBALL HAS NOW INDICATED HE WOULD FURTHER HIS EFFORTS TO THE COURT OF APPEALS AND IT IS BELIEVED THAT THE HEARING OF THAT APPEAL WILL BE ACCEPTED. THE HOME OFFICE WILL PROBABLY DECIDE THAT MR. HOSENBALL AND MR. AGEE WILL BE PERMITTED TO REMAIN IN BRITAIN UNTIL THAT DECISION IS REACHED.

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4. IN HIS APPLICATION YESTERDAY TO THE DIVISIONAL COURT FOR AN ORDER QUASHING THE DEPORTATION ORDER, MR. HOSENBALL'S COUNSEL ARGUED THAT THE HOME SECRETARY HAD FAILED TO COMPLY WITH THE RULES LAID DOWN IN THE 1971 IMMIGRATION ACT. HE INDICATED THAT THE HOME SECRETARY HAD FAILED TO GIVE MR. HOSENBALL SUFFICIENT INFORMATION ABOUT THE ALLEGATIONS AGAINST

HIM SO THAT THE LATTER COULD MAKE PROPER REPRESENTATIONS TO THE INDEPENDENT ADVISORY PANEL WHICH HAD BEEN SET UP TO REVIEW SUCH CASES.

5. THE COURT IN EXPRESSING ITS JUDGMENT STRESSED THAT IT HAD NO JURISDICTION TO SET ASIDE THE HOME SECRETARY' DECISION AND TO IMPOSE ONE OF ITS OWN. THE SOLE QUESTION FOR THE COURT WAS WHETHER IN REACHING HIS DECISION THE HOME SECRETARY WAS GUILTY OF ANY PROCEDURAL ERROR.

6. FOR THE DEPARTMENT'S INFORMATION, THE HOSENBALL APPEAL ACTIONS REPRESENT THE FIRST TIME THAT THE MACHINERY FOR THE INDEPENDENT ADVISORY PANEL HAS COME UNDER JUDICIAL REVIEW SINCE THE 1971 IMMIGRATION ACT.

SPIERS

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Message Attributes

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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
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